

IC 31-19-22

Chapter 22. Release of Identifying Information

IC 31-19-22-1

Application

Sec. 1. This chapter applies to adoptions that are filed before January 1, 1994.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.27.

IC 31-19-22-2

Requirements for release of identifying information; release prohibited; request information; affidavit

Sec. 2. (a) Except as provided in section 3 of this chapter and subject to subsection (b) and section 12 of this chapter, the state registrar, the department, a local office, a licensed child placing agency, a professional health care provider, an attorney, and a court shall release identifying information in the person's possession only if:

- (1) the information is requested by:
 - (A) an adoptee who is an adult;
 - (B) a birth parent;
 - (C) an adoptive parent;
 - (D) the spouse or relative of a deceased adoptee; or
 - (E) the spouse or relative of a deceased birth parent;
- (2) the following individuals have submitted a written consent under IC 31-19-21 (or IC 31-3-4-27 before its repeal) to the state registrar or the person from whom the identifying information is requested that allows the release of identifying information to the individual requesting the information:
 - (A) The adult adoptee.
 - (B) A birth parent.

(b) Except as provided under subsection (c), if an individual requests the release of identifying information under subsection (a) for an adoptee who is less than twenty-one (21) years of age, the state registrar, the department, a local office, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this section unless the adoptee's adoptive parent has submitted a written consent for the release of identifying information.

(c) The state registrar, the department, a local office, a licensed child placing agency, a professional health care provider, an attorney, and a court may not release identifying information under this chapter if the request for the release of identifying information involves an adoptee to whom both of the following apply:

- (1) The adoptee is less than twenty-one (21) years of age.
- (2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.

(d) A licensed child placing agency, a professional health care provider, an attorney, and a court:

(1) may request that the state department of health search the list provided under IC 31-25-2-22 to determine whether an adoptee's name is on the list; and

(2) shall, at the time of the request, provide:

(A) the name of the adoptee at the time parental rights were terminated; and

(B) an affidavit under penalty of perjury affirming that the licensed child placing agency, professional health care provider, attorney, or court is seeking information regarding the adoptee for the purpose of providing identifying information under this chapter.

(e) Not later than five (5) days after the state department of health receives a request and an affidavit under subsection (d), the state department of health shall submit an affidavit to the child placing agency, professional health care provider, attorney, or court verifying whether the adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.

As added by P.L.1-1997, SEC.11. Amended by P.L.1-1998, SEC.161; P.L.145-2006, SEC.257; P.L.191-2011, SEC.28; P.L.128-2012, SEC.67.

IC 31-19-22-3

Consent not required

Sec. 3. (a) The consent of a birth parent is not required for release of identifying information under this chapter if the individual requesting the release of the identifying information under section 2 of this chapter submits:

(1) a death certificate;

(2) an obituary; or

(3) any other form of evidence approved by the state department of health;

indicating that a birth parent is deceased to the person releasing the identifying information for each birth parent who is named on the adoptee's original birth certificate.

(b) The consent of an adoptee is not required for the release of identifying information under this chapter if the individual requesting the release of identifying information under section 2 of this chapter submits:

(1) the death certificate of the adoptee;

(2) an obituary for the adoptee; or

(3) any other form of evidence approved by the state department of health;

indicating that the adoptee is deceased to the person releasing the identifying information.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.29.

IC 31-19-22-4

Search of death certificates

Sec. 4. If an individual submits a request for the release of

identifying information under section 2 of this chapter, the state registrar shall search the death certificates in the state registrar's possession regarding the related adoptee or a birth parent:

- (1) who has not submitted a consent for the release of information under IC 31-19-21; and
- (2) whose consent is necessary before identifying information may be released to the individual.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.30.

IC 31-19-22-5

Repealed

(Repealed by P.L.191-2011, SEC.57.)

IC 31-19-22-6

Deceased nonconsenting adoptee or birth parent; release of identifying information

Sec. 6. If, upon searching the death certificates under section 4 of this chapter, the state registrar finds that the adoptee or birth parent who has not yet submitted a written consent is deceased, the state registrar shall inform the individual who submitted the request of the death and:

- (1) may not release identifying information if additional consent is required by this chapter; and
- (2) may release identifying information if additional consent is not required by this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.31.

IC 31-19-22-7

Request contact

Sec. 7. An individual listed in section 2(a)(1) of this chapter may contact the:

- (1) attorney;
- (2) licensed child placing agency; or
- (3) local office;

who arranged the adoption to request that the attorney, agency, or local office contact the adoptee, birth parent, or adoptive parent whose consent is necessary before identifying information may be released under this chapter.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.32; P.L.128-2012, SEC.68.

IC 31-19-22-7.5

Contact and disclosure prohibited

Sec. 7.5. An attorney, a licensed child placing agency, and a local office may not contact an adoptee, a birth parent, or an adoptive parent or disclose identifying information upon a request under section 7 of this chapter if the request involves an adoptee to whom both of the following apply:

- (1) The adoptee is less than twenty-one (21) years of age.
- (2) The adoptee's name is on the list provided to the state department of health under IC 31-25-2-22.

As added by P.L.191-2011, SEC.33. Amended by P.L.128-2012, SEC.69.

IC 31-19-22-8

Contact; disclosure of identifying information; written consent

Sec. 8. (a) Except as provided in section 7.5 of this chapter and subject to section 12 of this chapter, an attorney, a licensed child placing agency, or a local office who contacts an adoptee, a birth parent, or an adoptive parent upon a request under section 7 of this chapter may not disclose identifying information unless the:

- (1) adoptee who:
 - (A) is at least twenty-one (21) years of age gives written consent; or
 - (B) is less than twenty-one (21) years of age has the written consent of the adoptee's adoptive parents; and
- (2) birth parent gives written consent;

to the release of identifying information by the attorney, licensed child placing agency, or local office.

(b) If:

- (1) the:
 - (A) adoptee who is at least twenty-one (21) years of age; or
 - (B) adoptive parent of an adoptee who is less than twenty-one (21) years of age; and
- (2) the birth parent;

consent to the release of identifying information but do not provide the consent in writing, the attorney, licensed child placing agency, or local office may inform the individual requesting the identifying information regarding the fact that an adoptee, birth parent, or adoptive parent has consented to the release of identifying information. The attorney, licensed child placing agency, or local office may inquire as to whether the adoptee, birth parent, or adoptive parent, whose consent is still needed before identifying information may be released, is interested in participating in the adoption registry under IC 31-19-18 through IC 31-19-21, this chapter, IC 31-19-23 through IC 31-19-24, and IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.58-2009, SEC.29; P.L.191-2011, SEC.34; P.L.128-2012, SEC.70.

IC 31-19-22-9

Repealed

(Repealed by P.L.191-2011, SEC.57.)

IC 31-19-22-10

Access to information by adoptee

Sec. 10. This chapter does not prohibit an adoptee who is at least twenty-one (21) years of age from having access to identifying information as provided by IC 31-19-25 and IC 31-19-25.5.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.35.

IC 31-19-22-11

Fee for services; fee for actual expenses

Sec. 11. (a) An attorney, a licensed child placing agency, or a local office may charge a reasonable fee for services performed or actual expenses incurred under section 8 of this chapter.

(b) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter and IC 31-19-23:

- (1) A licensed child placing agency.
- (2) The court.
- (3) The department.
- (4) A local office.
- (5) A professional health care provider.
- (6) An attorney.
- (7) The state department of health.

As added by P.L.1-1997, SEC.11. Amended by P.L.191-2011, SEC.36; P.L.128-2012, SEC.71.

IC 31-19-22-12

Client consent required for release of identifying information by attorney; court order

Sec. 12. (a) An attorney may release identifying information under this chapter only if the client represented by the attorney in the adoption has submitted a written consent to the release of identifying information to the individual requesting the release of identifying information.

(b) If a client described under subsection (a) is deceased or otherwise unavailable, the identifying information in the attorney's possession may be released only under a court order issued in a proceeding under IC 31-19-24.

As added by P.L.191-2011, SEC.37.